TRIBAL CONSULTATION AND COLLABORATION: TRANSFORMING PROJECT PLANNING AND THE PRACTICE OF CULTURAL RESOURCE MANAGEMENT IN THE FEDERAL GOVERNMENT

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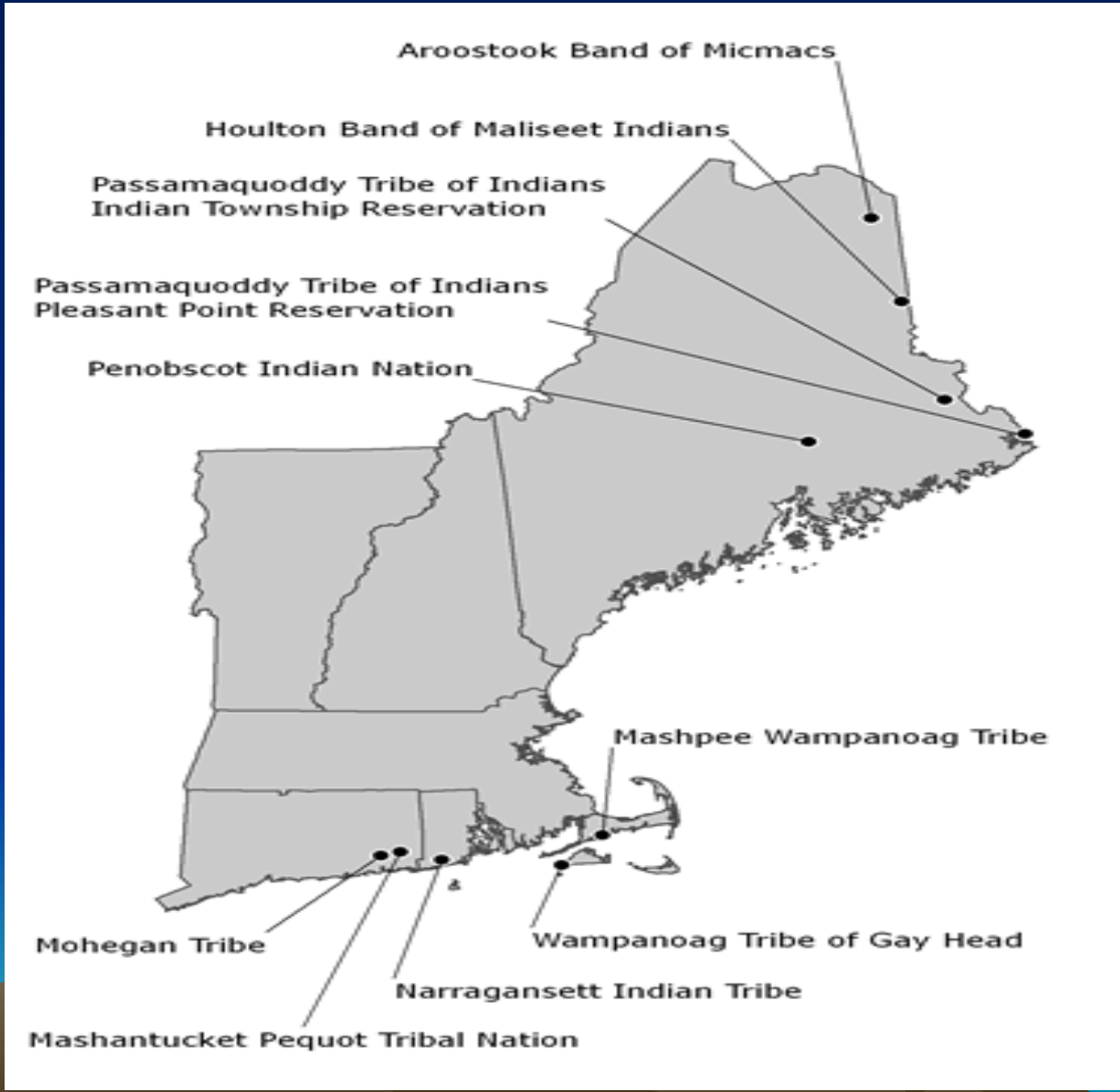
New England Federally Recognized Tribes



Tribal Consultation in Planning Why?

- National Historic Preservation Act (NHPA) – 1992 Amendments
- Native American Graves Protection and Repatriation Act (NAGPRA) – 1990
- Policy Guidance Letter 57 – Indian Sovereignty and Government to Government Relations and USACE Tribal Policy Principles – 1998
- Policy Guidance Letter 58 – Indian Sacred Sites (EO 13007) - 1998
- Department of Defense American Indian and Alaska Native Policy - 1998

USACE Tribal Policy Principles

- Tribal Sovereignty
- Trust Responsibility
- Government-to-Government Relations
- Pre-Decisional and Honest Consultation
- Self-Reliance, Capacity Building, and Growth
- Natural and Cultural Resources

Tribes as Stakeholders

- Legal Relationship with U.S. Government
- Codified in the Constitution – “Commerce Clause”
- Not just another stakeholder or state regulatory agency
- Different cultural values and worldview
- Importance of preserving heritage and culture

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Tribal Consultation and Project Planning

- Caretakers of the Land
- Ancestral Ties (but may have been relocated and reside elsewhere)
- Consult Early and Often
- Face-to-Face Meetings are encouraged
- Interest may not be limited to cultural resources
- Fulfills USACE Environmental Operating Principles

The Tribal Nations Community of Practice (CoP)

- Tribal Nations Program is a distinct CoP with a charter and PMP
- HQ USACE Tribal Desk established in 2003 (Ms. Georgeie Reynolds)
- CoP members may be part-time, full-time, cultural resource specialists or any of a variety of disciplines
- Tribal Liaisons represent their District, Division or Installation

Tribal Consultation and Cultural Resources Management

- Cultural Resource Management is more holistic and anthropological in nature
- Social context is emphasized
- Relationship building process
- Archaeology is no longer just “resource” driven and from a Western perspective
- Areas of spiritual and sacred significance emphasized along with archaeological sites and historic structures

Section 203 (WRDA 2000) Tribal Partnership Program

- Corps has authority to conduct studies primarily for the benefit of Tribes
- Indian Country as defined in 18 USC 1151
- Flood Damage Reduction
- Environmental Restoration and Protection
- Preservation of Natural and Cultural Resources
- Watershed Assessments and Planning Activities
- Other projects as determined by Secretary and Tribes
- Opportunity for water resource problems that address Tribal economic, environmental and cultural resources needs

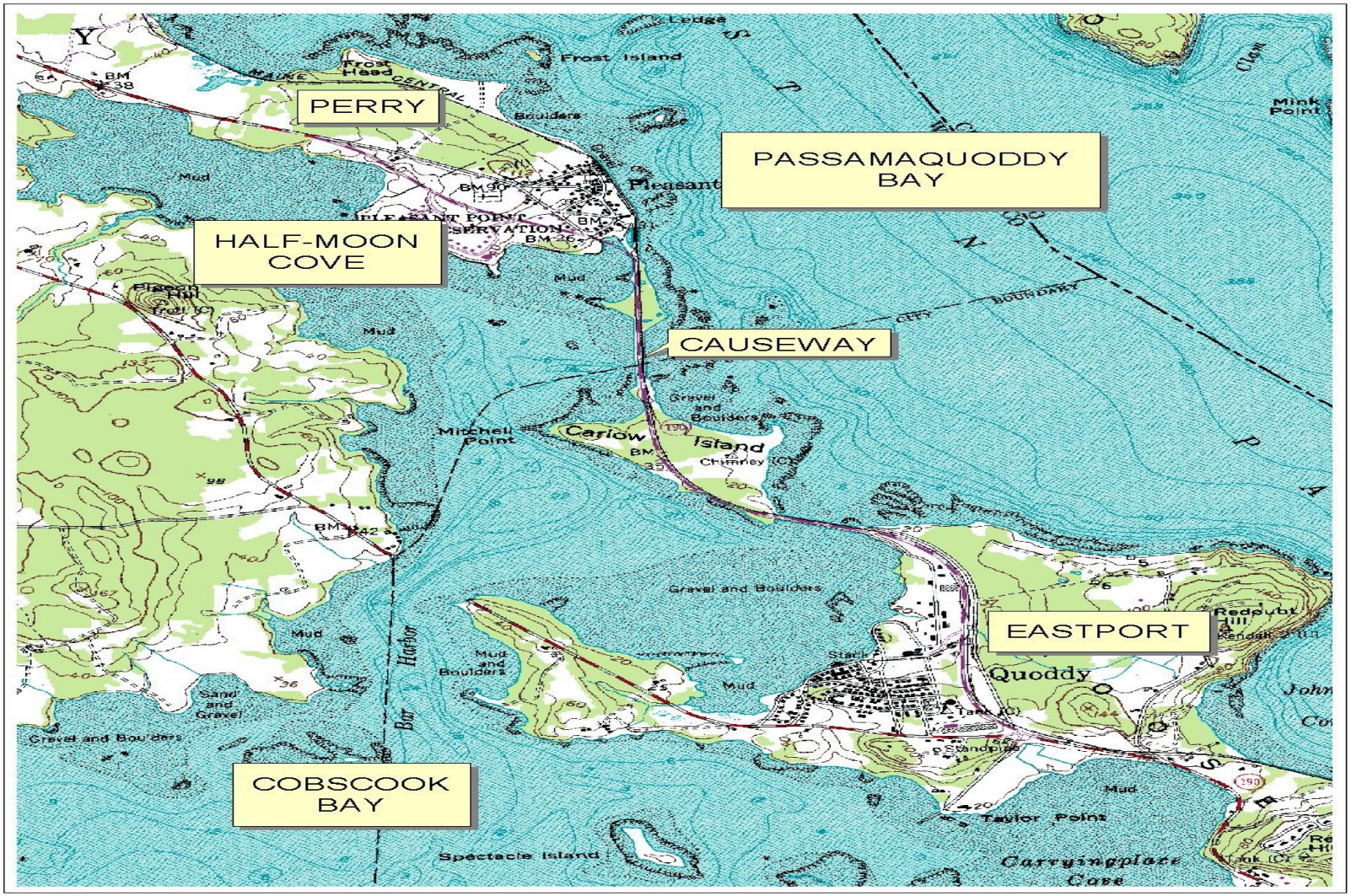
Section 203 (WRDA 2000) Tribal Partnership Program (cont.)

- Up to $100,000 Federal funds for a Recon Study
- Upon HQUSACE approval, Feasibility is 50/50 cost shared with sponsor
- Sponsor share may be provided as in-kind services including traditional cultural knowledge
- Subject to Ability to Pay provisions
- $5 Million per Fiscal Year
- WRDA 2007 expands types of activities, geographic area and extends program to 2012
- No construction authority – Congressional authority required

Half Moon Cove, Perry, Maine Passamaquoddy Tribe

- Causeway from Reservation to City of Eastport restricting tidal flow and habitat passage into Half Moon Cove
- Tribal Elders indicate that Cove once had richer and more diverse marine life. Lobster breeding grounds, flounder feeding areas, and rich clam flats may have been impacted as a result of the loss of tidal flows between Passamaquoddy Bay and Half Moon Cove.

Half Moon Cove, Perry, ME



Transformation in Archaeology and Cultural Resource Management

- Cultural resource management is now the predominant discipline for trained archaeologists
- Work is project-driven rather than strictly research oriented - benefits others
- Consideration of varied interest groups
- Greater preservation ethic as opposed to the “salvage” mentality - sites are finite
- Collaboration requires many skills

Key Takeaway Points

- Tribal consultation complies with Federal law and regulations and USACE Policy
- Early consultation in the planning process is recommended
- A more holistic, inclusive approach to project planning
- Tribes are repositories of traditional cultural knowledge – “caretakers of the land”
- Non-Western perspective and worldview
- Innovative, collaborative solutions
- Know your Tribal Liaison and Tribes
- USACE Native American Cultural Immersion course offered nationwide integrates these points